IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.29391 of 1997
DATED 26-3-2007

BETWEEN
Mohd.Yousuf

.. Petitioner

And

The Government of Andhra Pradesh
Represented by its Secretary,
Education Department, Secretariat,
Hyderabad and 3 others.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.29391 of 1997

ORDER:

The petitioner claims to have his services reckoned from 21.6.1963 as a watchman in the 4th respondent college for reckoning the number of years of pensionable service for being extended the benefit of pension.

The petitioner's case, in short, is that instead of taking 21.6.1963 as the date of his appointment, the respondents had erroneously taken 27.8.1974 and since he retired on 31.12.1995, he

was extended pension only on the basis of his having rendered 21 years of service though, in fact, he had rendered 32 years of service.

The respondents categorically stated in the counter affidavit that as per the entries in the service register, the petitioner was appointed as a library boy temporarily in the scale of Rs.60-100 vide proceedings dated 28.8.1974 and retired on reaching the age of superannuation of 60 years on 31.12.1995. According to the respondents, even if the petitioner's averment that he was appointed on a consolidated salary of Rs.50/- per month on 21.6.1963 was accepted, it would reveal that he was not appointed as per the procedure prescribed for selection to permanent post and was appointed only on a consolidated pay, which cannot be counted and that temporary service or contingent service cannot be taken into consideration. The respondents would reiterate that since the service register shows that he was appointed only on 28.8.1974, his services were reckoned from that date for being extended the benefit of pension and the petitioner having kept silent for 21 years, till he retired from service on 31.12.1995, cannot now contend that the entries in the service records were erroneous. It is also stated that in accordance with the stipulations in G.O.Ms.No.2, Education, dated 5.1.1994, the petitioner was extended the benefit of revised pension giving weightage of 3 years and arrived at a qualifying service of 24 years 4 months and 3 days.

In view of the categorical assertions in the counter affidavit that the petitioner was, in fact, appointed as a library boy only on 28.8.1974 and not prior thereto and that even otherwise, the appointment on consolidated wages/temporary basis cannot be

reckoned for the purpose of computing qualifying service for being extended the benefit of pension, the petitioner is not entitled for the relief sought for in the writ petition. It also needs no reiteration that this Court under Article 226 of the Constitution of India, ordinarily would not entertain belated claims or adjudicate disputed questions of fact. Since the petitioner's contention that he was appointed on 21.6.1963 is disputed by the respondents, according to whom the petitioner was appointed only on 28.8.1974 and inasmuch as the petitioner has kept silent for more than a couple of decades till he retired from service on 31.12.1995, before invoking the jurisdiction of this Court under Article 226 of the constitution of India, I see no reason to entertain this belated claim of the petitioner or to entertain and adjudicate disputed questions of fact.

The writ petition fails and is accordingly dismissed. No costs.

RAMESH RANGANATHAN,J

Dt: 26.3.2007

msv.